

REMARKS

Drawings

The Examiner objected to the drawings on several bases. Formal drawings are submitted herewith. Applicants believe that these formal drawings address the several objections the Examiner had to the original drawings. In the attached formal drawings, Fig. 1 appears on the first sheet as it did in the original drawings, and for that reason it has been labeled a replacement sheet. The remaining drawings have been consolidated on two sheets as opposed to the originally submitted six, and for that reason the two sheets have been labeled as new sheets. No new matter is sought to be entered by the presentation of these formal drawings.

The Examiner objected to the drawings under 37 C. F. R. §1.83(a). The Examiner expressed the view that the drawings fail to show the opening through which the pulverulent material is discharged, the seal member providing a lumen, the first member including a first reducer section including a lumen, the lumen which is circular in cross-section, the lumen through seal 26, the lumen 28 of the powder delivery tube 14, the first converging/diverging section, the lumen of reducing section 42, and the lumen of expanding section 44. A lumen is the opening or passageway in a tube or the like. The opening through which the pulverulent material is discharged is illustrated at least in Fig. 1. The seal member providing a lumen is illustrated at least in Figs. 1, 6 and 7. The first member including a first reducer section including a lumen is illustrated at least in Figs. 1, 4 and 5. The lumen which is circular in cross-section is illustrated at least in Figs. 1, 4 and 5. The lumen through seal 26 is illustrated at least in Figs. 1, 6 and 7. The lumen 28 of the powder delivery tube 14 is illustrated at least in Fig. 1. The first converging/diverging section is illustrated at least in Figs. 1-7. The lumen of reducing section 42 and the lumen of expanding section 44 are illustrated at least in Figs. 1, 8 and 9. These objections to the drawings under 37 C.F.R. §1.83(a) are thus overcome.

The Examiner further objected to the drawings under 37 C.F.R. §1.83(a). The Examiner expressed the view that the drawings fail to show the opening as described in claim 1, line 3, the first member including a first reducer section including a lumen as described in claim 1, lines 4-5, the first feature as described in claim 1, line 5, the second member including a first expander section including a lumen as described in claim 1, lines 5-6, the second feature as described in claim 1, line 6, the lumen providing a second reducer section including a lumen and a second expander section including a lumen as described in claim 2,

the lumen of the first reducer section as described in claims 4, 5 and 11, line 1, the lumen of the first expander section as described in claim 4, lines 2-3, the lumen of the second reducer section as described in claim 8, lines 1-2, and the lumen of the second expander section as described in claims 9, 10 and 12, lines 1-2.

The opening as described in claim 1 is illustrated at least in Fig. 1. The first member including a first reducer section including a lumen as described in claim 1 is illustrated at least in Figs. 1, 4 and 5. The first feature as described in claim 1 is illustrated at least in Figs. 1, 4 and 5. The second member including a first expander section as described in claim 1 is illustrated at least in Figs. 1-3. The second feature as described in claim 1 is illustrated at least in Figs. 1-3. The second reducer section and the second expander section as described in claim 2 are illustrated at least in Figs. 1, 8 and 9. The first reducer section as described in claims 4, 5 and 11 is illustrated at least in Figs. 1, 4 and 5. The first expander section as described in claim 4 is illustrated at least in Figs. 1-3. The second reducer section as described in claim 8 is illustrated at least in Figs. 1, 8 and 9. The second expander section as described in claims 9, 10 and 12 is illustrated at least in Figs. 1, 8 and 9. The objections to the drawings under 37 C. F. R. §1.83(a) are thus overcome.

Claim Objections

The Examiner objected claims 2-13 and 15-23 because of informalities. The Examiner calls Applicants the attention to the term “dispenser for dispensing” in claims 1 and 14 and the term “apparatus” in claims 2-13 and 15-23. This objection has been overcome by amendments to the claims contained herein.

Claim Rejections - 35 U. S. C § 112

The Examiner rejected claims 1-2, and 4-13 under 35 U. S. C § 112. The Examiner expressed the view that claims 1-2 and 4-13 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner expressed the view that “[t]he word ‘lumen’ is not identified in the specification or shown in the drawings. It is unclear as to what the word ‘lumen’ is referring to throughout the indicated claims.” Claims 1, 2 and 4-13 have been amended to overcome this objection.

The Examiner rejected claims 1 and 3 under 35 U. S. C § 112. The Examiner expressed the view that claims 1 and 3 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner

expressed the view that “[t]he phrases ‘first member,’ ‘first feature,’ ‘first structural component,’ ‘second member,’ ‘feature,’ and ‘second structural component,’ are not identified in the specification or shown in the drawings. It is unclear as to what the above phrases are referring to throughout the indicated claims.” Applicants call the Examiner’s attention to page 1, line 30-page 2, line 6 and page 2, lines 10-13 of the specification, where the invention is described in *ipsissimis verbis* as in the claims. The Examiner’s rejection to claims 1 and 3 under 35 U. S. C § 112 is overcome.

Applicants respectfully submit the Examiner’s rejections to claims 1, 2, and 4-13, and 1 and 3, under 35 U. S. C § 112 are therefore overcome and request that the Examiner’s rejections be withdrawn.

Claim Rejections - 35 U. S. C § 102

The Examiner rejected claims 1, 3-7, 11 and 13 under 35 U. S. C. § 102. The Examiner relied upon Hollstein U. S. Patent 6,105,886 (hereinafter Hollstein) to support this rejection. However, Hollstein neither discloses nor suggests claim 1’s specifically recited

“conduit including a seal member, a first member including a first reducer section including a first feature and a second member including a first expander section including a second feature, the first and second features cooperating to define a space for accommodating the seal member between the first reducer section and the first expander section.”

Applicants submit that since independent claim 1 distinguishes patentably from Hollstein, dependent claims 3-7, 11 and 13, which depend directly or indirectly from claim 1, patentably distinguish from Hollstein as well. Accordingly, Applicants submit that the 35 U. S. C. § 102 rejection of claims 1, 3-7, 11 and 13 is overcome. Further favorable consideration, culminating in allowance of claims 1, 3-7, 11 and 13 is respectfully requested.

35 U. S. C. § 103 Rejection

The Examiner rejected claims 2, 8-10 and 12 under 35 U. S. C. § 103. The Examiner relied upon the combination of Hollstein and LeCompte U. S. Patent 5,704,825 (hereinafter LeCompte) to support this rejection. The Examiner reiterates his belief that Hollstein “shows all aspects of the applicant’s (sic) invention as set forth in claim 1, but does not show the conduit (47, 48, 49, 50) further including a second reducer section including a lumen and a second expander section including a lumen.” However, as explained above, Hollstein neither discloses nor suggests claim 1’s specifically recited

“conduit including a seal member, a first member including a first reducer section including a first feature and a second member including a first expander section including a second feature, the first and second features cooperating to define a space for accommodating the seal member between the first reducer section and the first expander section.”

LeCompte does not add anything to the teachings of Hollstein in this regard. That which is neither disclosed nor suggested by either of the references cannot fairly be said to be disclosed or suggested by any combination of them. Applicants submit that since independent claim 1 distinguishes patentably from the combination of Hollstein and LeCompte, dependent claims 2, 8-10 and 12, which depend directly or indirectly from claim 1, patentably distinguish from the combination of Hollstein and LeCompte as well. Accordingly, Applicants submit that the 35 U. S. C. § 103 rejection of claims 2, 8-10 and 12 based upon the combination of Hollstein and LeCompte is overcome. Further favorable consideration, culminating in allowance of claims 2, 8-10 and 12 is respectfully requested.

The Examiner rejected claims 14-23 under 35 U. S. C. § 103. The Examiner also relied upon the combination of Hollstein and LeCompte to support this rejection. Claims 15-23 are hereby cancelled without prejudice, and certain of their limitations have been incorporated into amended claim 14. New claims 24-26 are submitted herewith. No new matter is sought to be entered hereby. Claim 14, as amended, recites that

“the first reducer section includ[es] a first cross-sectional area at an inlet end thereof and a second cross-sectional area at an outlet end thereof, the first expander section includ[es] a third cross-sectional area at an inlet end thereof and a fourth cross-sectional area at an outlet end thereof, the second reducer section includ[es] a fifth cross-sectional area at an inlet end thereof and a sixth cross-sectional area at an outlet end thereof, and the second expander section includ[es] a seventh cross-sectional area at an inlet end thereof and an eighth cross-sectional area at an outlet end thereof, the cross-sectional area of the first reducer section decreasing uniformly from the first cross-sectional area to the second, the cross-sectional area of the first expander section increasing uniformly from the third cross-sectional area to the fourth, the cross-sectional area of the second reducer section decreasing uniformly from the fifth cross-sectional area to the sixth, and the cross-sectional area of the second expander section increasing uniformly from the seventh cross-sectional area to the eighth.”

This structure is neither disclosed nor suggested by Hollstein. It is neither disclosed nor suggested by LeCompte. Again, that which is neither disclosed nor suggested by either of the references cannot fairly be said to be disclosed by any combination of them.

Accordingly, Applicants submit that the 35 U. S. C. § 103 rejection of claim 14, as amended, is also overcome. Favorable consideration, culminating in allowance of claim 14, and new claims 24-26 which depend directly or indirectly therefrom, is respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be due to constitute this a timely response to the October 25, 2005 official action to Applicants' undersigned counsel's deposit account 10-0435 with reference to file number 3030-72219. A duplicate copy of this authorization is enclosed for that purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard D. Conard', written in a cursive style.

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